

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

INTELLECTUAL SCIENCE AND  
TECHNOLOGY, INC.,

Plaintiffs,

v.

SONY ELECTRONICS, INC.,  
JVC AMERICAS CORP.; and  
PANASONIC CORPORATION OF  
NORTH AMERICA,

Defendants.

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Judge Avern Cohn

Case Nos. 06-10406  
06-10409  
06-10412

**APPOINTMENT AND ORDER OF REFERENCE TO SPECIAL MASTER**

This is a complex patent case. The patents and claims in the suit as well as the accused devices are described in Order re: Status Conference (April 25, 2006); Pretrial Order No. 2 (August 29, 2006), and Pretrial Order No. 4 (October 17, 2006). See attached orders. Pending before the Court are:

- A. Defendants' Joint Motion for Summary Judgement of Non-Infringement; and
- B. Defendants' Joint Motion for Summary Judgment of Patent Invalidity.

Because of the complexity of the subject matter and the volume of motion papers<sup>1</sup>, IT IS ORDERED that pursuant to FED. R. CIV. P. 53:

1. The pending motions are referred to Eric Dobrusin as Special Master to decide

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<sup>1</sup> To ease the burden of reproduction the Court will forward to the Special Master the copies of the motion papers lodged with the Court.

and report and recommend in writing the appropriate determination of such motions. The Special Master shall proceed with all reasonable diligence.

2. The Special Master shall confer with the parties to arrange a schedule for briefing and other matters which shall be filed with the Court.

3. Copies of papers filed with the Special Master shall also be filed simultaneously with the Clerk of Court and served pursuant to applicable federal rules and a copy shall simultaneously be sent to Judge Avern Cohn. Letters or informal communications need not be filed but should be served on the other party.

4. The Special Master may conduct oral hearing and meetings in Detroit at a location to be agreed upon by the parties and the Special Master, and if desired, in a room in the Federal Courthouse in Detroit if available.

5. The Special Master may communicate with the Court ex parte on procedural matters.

6. A petition for review by the Court of the recommendation of the Special Master shall be submitted in writing within ten (10) days of receipt of the Special Master's report. Review of the recommendation of the Special Master by the Court shall be de novo.

7. The Special Master may use law clerks or paralegals at his discretion and shall keep detailed records of his time and expenses. The Special Master shall render detailed monthly bills for all fees and expenses at the same rates ordinarily charged clients for his services, and such bills shall be paid promptly as follows: Fifty percent (50%) by defendants and Fifty percent (50%) by plaintiff. These monthly bills shall be submitted directly to counsel for the parties who shall take responsibility for prompt payment by their respective clients.

8. Objections, if any, to this order shall be filed within three (3) days.

SO ORDERED.

s/Avern Cohn  
AVERN COHN  
UNITED STATES DISTRICT JUDGE

Dated: June 1, 2007

I hereby certify that a copy of the foregoing document was mailed to the parties of record on this date, June 1, 2007, by electronic and/or ordinary mail.

s/Julie Owens  
Case Manager, (313) 234-5160